



*To advance the economic, social and environmental sustainability of Northern California
by enhancing and preserving the water rights, supplies and water quality.*

THE SWRCB CURTAILMENT PROCESS: WHAT YOU NEED TO KNOW

August 20, 2021

If you received a Notice of Curtailment from the State Water Resources Control Board (SWRCB), please read this document. The SWRCB on August 3 adopted an emergency regulation to implement the water rights system and curtail certain water rights based on the unavailability of water in this very dry year. These regulations are effective on August 19 and the SWRCB is sending notices today to 17,000 water right holders in the Sacramento-San Joaquin Delta Watershed. For more information, you can click on the [Delta Watershed Curtailment Status List](#) with information and a search tool for water right holders to determine their curtailment status.

To help implement the water rights system, to ensure the proper administration of the water rights system, and to show policy makers the water rights system works, it is important that you and other water right holders review the notice and respond to the SWRCB with a completed Compliance Certification Form in accordance with the notice by September 3. Failure to properly report to the SWRCB (in addition to legal consequences) will provide ammunition to critics who would like to point to non-compliance as a reason to dismantle the water rights system in California.

As background, approximately 17,000 letters transmitting the Order Imposing Curtailment for riparian, pre-1914, and post-1914 water rights are being sent today. As you will see in the notice, submittal of a Compliance Certification Form will be required by September 3. Importantly, if you already filed a certification form for the post-14 Notice of Unavailability earlier this year, you will need to submit again for this Order to ensure compliance. The certificate can acknowledge you have an alternative water supply, such as a contract or groundwater.

Additionally, we anticipate that approximately 735 water right holders will receive a request for additional and urgent water use reporting in connection to the notice above. This request will be for post-1914 water rights listed as greater than 5,000 acre-feet and Statement holders who reported greater than 5,000 acre-feet in 2018 or 2019. These reports are due by September 10, and on-going monthly reporting is proposed which will be due by the 10th of each month for an unknown amount of time.

We are working closely with MBK Engineers and counsel for water districts to make sure this process implements the water rights priority system in a very dry year and is based on accurate water (un)availability methodologies and analyses. If you have detailed questions on reporting

or need assistance, we encourage you to contact MBK Engineers, your water rights engineer, or counsel to help ensure proper reporting. The SWRCB will be holding a workshop on August 31 to provide information and assistance to water right holders in regard to submitting the Compliance Certification Form and the extended water use reporting.

We will also continue to work on your behalf to encourage the proper implementation of the water rights priority system, including the suspension of curtailments when there is water available in the system for diversion to storage and for other uses in the Sacramento Valley. See our recent blog: [*The Importance of Implementing the Water Rights Priority System in a Dry Year*](#) online, or [download the article as a PDF](#).

For more information from the SWRCB on the curtailment certification forms, please see: [Water Boards – Water Rights Issues](#).

You can also call the SWRCB at: 916-341-5342, or email: SWRCB-Curtailment-Certification@waterboards.ca.gov.